

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

AUTHORIZING THE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF NINE THOUSAND DOLLARS AND 00/100 (\$9,000.00) AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AT THE CLEAR CREEK CSO FACILITY ON MAY 7, 2006 AND AT THE TANYARD CREEK CSO AND NORTH AVENUE CSO FACILITIES ON MAY 10, 2006 PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has experienced a violation of Fecal Coliform Operational Standards as set out in Exhibit "A" hereto; and

WHEREAS, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT Paragraphs XI.D.2; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact this violation of CSO Fecal Coliform Operational Standards did occur; and

WHEREAS, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in Fund, Account and Center Number 2J01 529017 Q30001; and

WHEREAS, the CSO Consent Decree, Section XI. O. similarly provides for payment of interest on late payment of stipulated penalties; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.

Exhibit A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Section XI.D.2 as follows:

Section XI.D.2. Fecal Coliform November-April

Date	Facility	Colonies/100 ml	Penalty	Comment
5/7/06	Clear Creek CSO	3200	\$2000.00	
5/10/06	North Ave CSO	2400	\$2000.00	
5/10/06	Tanyard Creek CSO	10811	\$5000.00	